

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

UNITED STATES OF AMERICA)
)
 v.) CR. NO. 1:05cr152-T
)
 HOUSTON MIKE HOLLY)

GOVERNMENT'S MOTION FOR DOWNWARD DEPARTURE
PURSUANT TO § 5K1.1, UNITED STATES SENTENCING GUIDELINES

COMES NOW the United States of America, by and through Leura Garrett Canary, United States Attorney for the Middle District of Alabama, and files the above-captioned motion, and as reasons therefore, submits the following:

1. Defendant entered a plea of guilty pursuant to a plea agreement under Rule 11(c)(1)(C) to an information charging violation of Title 21, United States Code, Section 841(f)(1).
2. Defendant agreed to cooperate with the Government in the instant cause and in subsequent investigations as necessary, and to waive his rights to appeal or collaterally attack the guilty plea or sentence.
3. The United States submits the defendant has cooperated with the United States and has abided by the terms of his plea agreement. The assistance provided by the defendant should be considered substantial. The information provided by Defendant Holly involved criminal activity in Holmes County, Florida. The investigation remains open. Defendant Holly is willing to testify in the Holmes County case, should it become necessary
4. The Government is satisfied that the defendant is entitled to be considered for a reduction of sentence under § 5K1.1 U.S.S.G., and moves this Court to downwardly depart 12 months, and impose a sentence of 48 months imprisonment which is in accordance with the plea

agreement.

Respectfully submitted, this the 10th day of January, 2006.

LEURA GARRETT CANARY
UNITED STATES ATTORNEY

/s/Tommie Brown Hardwick
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CERTIFICATE OF SERVICE

I hereby certify that on January 10, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to:
David J. Harrison, Esquire.

Respectfully submitted,

/s/Tommie Brown Hardwick
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